

Question first recurring on the amendment, it was lost by the following vote:

Yeas—7

| | |
|---------|----------|
| Lane | Shivers |
| Lanning | Stanford |
| Metcalf | Stone |
| Moore | |

Nays—15

| | |
|-----------|---------|
| Aikin | Moffett |
| Brown | Morris |
| Bullock | Parrish |
| Carney | Ramsey |
| Crawford | Spears |
| Hazlewood | Taylor |
| Jones | Weinert |
| Martin | |

Absent

| | |
|---------|----------|
| Chadick | Vick |
| Graves | Winfield |
| Knight | York |
| Sulak | |

Absent—Excused

| | |
|--------|---------|
| Kelley | Mauritz |
|--------|---------|

H. B. No. 701 was then passed.

Adjournment

On motion of Senator Shivers, the Senate, at 6:10 o'clock a. m., adjourned until 10:30 o'clock a. m., Monday, May 21, 1945.

SEVENTY-THIRD DAY

(Monday, May 21, 1945)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

| | |
|-----------|----------|
| Aikin | Moore |
| Brown | Morris |
| Bullock | Parrish |
| Carney | Ramsey |
| Chadick | Shivers |
| Crawford | Spears |
| Graves | Stanford |
| Hazlewood | Stone |
| Jones | Sulak |
| Knight | Taylor |
| Lane | Vick |
| Lanning | Weinert |
| Martin | Winfield |
| Metcalf | York |
| Moffett | |

A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of the calendar days of May 15, 16, 17 and 18, 1945 was dispensed with and the Journal was approved.

Leaves of Absence Granted.

Senator Kelley was granted leave of absence for today on account of important business on motion of Senator Bullock.

Senator Mauritz was granted leave of absence for today on account of illness on motion of Senator Bullock.

Senate Concurrent Resolution 32

Senator Metcalfe offered the following resolution:

S. C. R. No. 32, Providing for a joint committee to supervise enrollment of H. J. R. No. 13.

Whereas, The Senate on May 10, 1945, finally passed House Joint Resolution No. 13, with amendments; and

Whereas, the House of Representatives on May 17, 1945, concurred in Senate amendments; and

Whereas, there is some doubt as to the authority of the House by the single action taken in House Simple Resolution No. 243, which instructed the Enrolling Clerk of the House to make certain changes in the text of House Joint Resolution No. 13 to correct, without the consent of the Senate the said H. J. R. No. 13; now, therefore be it

Resolved by the Senate of Texas, the House of Representatives concurring, that the President of the Senate appoint three members from the Senate and the Speaker of the House appoint three members from the House who shall carefully compare the enrolled copy of House Joint Resolution No. 13 with the Resolution as passed in both Houses, and carefully correct any errors that may be discovered in the enrolled bills and report forthwith to the respective Houses in accordance with Rule No. 12 of Joint Rules of the two Houses, and be it further

Resolved that the examining committees make their report as prompt-

ly as possible in order that said resolution may be signed, after examination and report in accordance with Rule 13 of the Joint Rules of the two Houses and in accordance with Article III, Section 38, of the Constitution.

The resolution was read and was adopted.

In accordance with the above resolution, the President announced the appointment of the following committee: Senators Metcalfe, Taylor and Chadick.

Reports of Standing Committees

Senator Moffett submitted the following report:

Austin, Texas,
May 17, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred H. B. No. 595, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed and not otherwise printed.

MOFFETT, Chairman.

Senator Martin submitted the following report:

Austin, Texas,
May 21, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 849, by Love, have had said bill under consideration, and we wish to report it back to the Senate with the recommendation that it do pass with amendments and be not printed.

MARTIN, Chairman.

Hon. John Lee Smith, President of the Senate.

Austin, Texas,
May 17, 1945.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 544, by Jones of Hunt, et al., have had said bill under consideration and we wish to report it back to the Senate with the recommendation that it do pass and be printed.

MARTIN, Chairman.

House Concurrent Resolution 99

On motion of Senator Moore, and by unanimous consent, the regular

order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 99, Inviting Hon. M. E. Walter to address a joint session of the Legislature.

The resolution was read and was adopted.

House Concurrent Resolution 101

On motion of Senator Graves, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 101, Suspending the joint rules of both Houses insofar as House Bill No. 56 is concerned.

The resolution was read and was adopted.

Message from the Governor

At the direction of the President, the following message from the Governor was read and referred to the Committee on Nominations of the Governor:

Austin, Texas,
May 21, 1945.

To the Senate of the Forty-ninth Legislature:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointments:

To be member of the Teacher Retirement Board of Trustees for the term expiring August 31, 1949:

Allen H. Hughey of El Paso, El Paso County.

To be Public Weigher in and for Cameron County for a two year term to expire May 22, 1947:

R. M. (Dick) Loving of Harlingen, Cameron County.

Respectfully submitted,

COKE R. STEVENSON,
Governor of Texas.

House Bill No. 818 Set as Special Order

Senator Moffett moved that House Bill No. 818 be set as a special order for Wednesday, May 23, 1945, immediately following the morning call.

The motion prevailed by the following vote.

Yeas—29

Aikin

Brown

| | |
|-----------|----------|
| Bullock | Morris |
| Carney | Parrish |
| Chadick | Ramsey |
| Crawford | Shivers |
| Graves | Spears |
| Hazlewood | Stanford |
| Jones | Stone |
| Knight | Sulak |
| Lane | Taylor |
| Lanning | Vick |
| Martin | Weinert |
| Metcalf | Winfield |
| Moffett | York |
| Moore | |

Absent—Excused

Kelley Mauritz

House Bill 110 on Final Passage

At the request of Senator Bullock, and by unanimous consent, the President laid before the Senate on its final passage:

H. B. No. 110, A bill to be entitled "An Act providing for the removal of cloud from title and for the appointment of receivers for mineral interests in land owned by non-resident and unknown owners, defining the duties and powers of such receivers, making this Act cumulative of all other laws relating to the same subject, and declaring an emergency."

The vote by which the bill had heretofore passed having been reconsidered.

Senator Weinert offered the following amendment to the bill:

Amend H. B. No. 110 by striking therefrom all of Section 1 as amended by Committee Amendment No. 1, and inserting in lieu thereof the following:

"Section 1. In an action filed in the District Court by any person, firm or corporation having, claiming, or owning an undivided mineral interest in any tract of land in the State of Texas, in which action it is made to appear that one or more of the defendants in such action are non-residents of the State of Texas, and have, claim or own an undivided mineral interest in said land upon which said non-resident defendants have not paid the taxes due thereon, or rendered such interest for taxation within five (5) years previous to the filing of said suit, the District Court shall have power to determine the amount of the undivided mineral interest owned by any such non-resident defendant, and to appoint a receiver thereof, provided

the plaintiff has filed a duly verified petition, and has made satisfactory proof that he has made diligent but unsuccessful efforts to locate such non-resident defendant or defendants, and that the owners of the minerals under such tract of land will be irreparably damaged or injured unless such receiver is appointed."

The amendment was adopted by the following vote:

Yeas—29

| | |
|-----------|----------|
| Aikin | Moore |
| Brown | Morris |
| Bullock | Parrish |
| Carney | Ramsey |
| Chadick | Shivers |
| Crawford | Spears |
| Graves | Stanford |
| Hazlewood | Stone |
| Jones | Sulak |
| Knight | Taylor |
| Lane | Vick |
| Lanning | Weinert |
| Martin | Winfield |
| Metcalf | York |
| Moffett | |

Absent—Excused

Kelley Mauritz

House Bill No. 110 then was passed.

House Bill 870 on Second Reading

On motion by Senator Vick, and by unanimous consent, the regular order of business was suspended to take up on its second reading and passage to third reading:

H. B. No. 870, Making an appropriation from the General Revenue Fund for the publication of certain proposed Constitutional amendments.

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

House Bill 870 on Third Reading

Senator Vick moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 870 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

| | |
|-----------|----------|
| Aikin | Moore |
| Brown | Morris |
| Bullock | Parrish |
| Carney | Ramsey |
| Chadick | Shivers |
| Crawford | Spears |
| Graves | Stanford |
| Hazlewood | Stone |
| Jones | Sulak |
| Knight | Taylor |
| Lane | Vick |
| Lanning | Weinert |
| Martin | Winfield |
| Metcalf | York |
| Moffett | |

Absent—Excused

| | |
|--------|---------|
| Kelley | Mauritz |
|--------|---------|

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

| | |
|-----------|----------|
| Aikin | Moore |
| Brown | Morris |
| Bullock | Parrish |
| Carney | Ramsey |
| Chadick | Shivers |
| Crawford | Spears |
| Graves | Stanford |
| Hazlewood | Stone |
| Jones | Sulak |
| Knight | Taylor |
| Lane | Vick |
| Lanning | Weinert |
| Martin | Winfield |
| Metcalf | York |
| Moffett | |

Absent—Excused

| | |
|--------|---------|
| Kelley | Mauritz |
|--------|---------|

Report of Conference Committee
on House Bill 558

Senator Knight called up for consideration at this time, the report of the Free Conference Committee on House Bill No. 558, which report was submitted on Thursday, May 10, 1945 and printed in the Journal of that day.

(Pending consideration of the report, Senator Vick occupied the Chair temporarily.)

(President in the Chair).

Senator Knight moved that the report be adopted.

Senator Metcalfe moved that the Senate do not adopt the report and

that a new conference committee be appointed to adjust the differences between the two Houses on the bill.

Question first recurring on the motion of Senator Metcalfe, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—4

| | |
|---------|--------|
| Metcalf | Spears |
| Moore | Vick |

Nays—23

| | |
|-----------|----------|
| Aikin | Morris |
| Brown | Parrish |
| Bullock | Ramsey |
| Carney | Shivers |
| Chadick | Stanford |
| Crawford | Stone |
| Graves | Sulak |
| Hazlewood | Taylor |
| Jones | Weinert |
| Knight | Winfield |
| Lane | York |
| Moffett | |

Absent

| | |
|---------|--------|
| Lanning | Martin |
|---------|--------|

Absent—Excused

| | |
|--------|---------|
| Kelley | Mauritz |
|--------|---------|

Question then recurring on the motion of Senator Knight, that the report be adopted; it prevailed by the following vote:

Yeas—24

| | |
|-----------|----------|
| Aikin | Moffett |
| Brown | Moore |
| Bullock | Morris |
| Carney | Parrish |
| Chadick | Ramsey |
| Crawford | Shivers |
| Graves | Stanford |
| Hazlewood | Stone |
| Jones | Sulak |
| Knight | Taylor |
| Lane | Winfield |
| Martin | York |

Nays—3

| | |
|---------|---------|
| Metcalf | Weinert |
| Vick | |

Absent

| | |
|---------|--------|
| Lanning | Spears |
|---------|--------|

Absent—Excused

| | |
|--------|---------|
| Kelley | Mauritz |
|--------|---------|

Report of Conference Committee on House Bill 646

Senator Knight called up for consideration at this time, the report of the Conference Committee on House Bill No. 646.

On motion of Senator Knight, the report was adopted.

Record of Vote

Senator Sulak asked to be recorded as voting "nay" on the adoption of the report.

House Bill 849 on Second Reading

On motion of Senator Martin, and by unanimous consent, the regular order of business was suspended to take up on its second reading and passage to third reading:

H. B. No. 849, Amending Section 1 of House Bill No. 165, Chapter 81, of the Acts of the Regular Session of the Forty-fifth Legislature of the State of Texas, passed at its Regular Session as amended by House Bill No. 241, Acts, Regular Session, Forty-ninth Legislature, fixing the compensation of certain designated District, County and Precinct Officers in counties having a population of two hundred and twenty-five thousand (225,000) inhabitants or more, and less than five hundred thousand (500,000) inhabitants according to the last preceding Federal Census.

The President laid the bill before the Senate on its second reading.

The bill was read second time.

Senator Martin offered the following amendment to the bill:

Amend H. B. No. 849 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. The provisions of Section 1, of House Bill No. 165, Chapter 81, of the Acts of the Regular Session of the Forty-fifth Legislature of the State of Texas, as amended by House Bill No. 241, Acts, Regular Session, Forty-ninth Legislature, are hereby amended so that the same shall hereafter provide as follows:

"Section 1. (a) The provisions of this Section shall apply to and control in each county in the State of Texas having a population of two hundred and twenty-five thousand (225,000) inhabitants or more, and less than five hundred thousand

(500,000) inhabitants according to the last preceding Federal Census.

"b. From and after the effective date of this Act up to January 1, 1946, the County Judge, the Sheriff, District Attorney, Criminal District Attorney, District Clerk, County Clerk and the Assessor and Collector of Taxes of such counties shall each receive a salary of Sixty-five Hundred Dollars (\$6500.00) per annum. The County Treasurer of such counties shall receive Thirty-six Hundred Dollars (\$3600.00) per annum salary. The Judges of the County Courts at Law and the County Criminal Courts of such counties shall each receive a salary of Five Thousand Dollars (\$5000.00) per annum. All of such salaries enumerated in this subsection shall be paid out of the General Fund of such counties.

"(c) The County Commissioners of such counties shall each receive a salary of Forty-eight Hundred Dollars (\$4800.00) per annum, Thirty-six Hundred Dollars (\$3600.00) of which shall be paid out of the General Fund and Twelve Hundred Dollars (\$1,200.00) of which shall be paid out of the Road and Bridge Funds of such counties.

"(d) All Justices of the Peace and Constables of such counties who are compensated on a fee basis as provided by law shall be entitled to retain annual fees not to exceed Four Thousand Dollars (\$4000.00) each. All Justices of the Peace and Constables of such counties who are compensated on a salary basis as provided by law shall receive an annual salary of not to exceed Four Thousand Dollars (4000.00) each, such salary to be fixed by the Commissioners Court. Provided, however, that all fees and Commissions whether current or delinquent which are collected by the incumbent during his tenure of office shall be applied first to the payment of his deputies, authorized expenses of his office and to make up the maximum compensation provided for in this subsection. No such officers shall be entitled to receive for any purpose any fees or commissions that are collected after he ceases to hold such office.

"(e) Provided further that from and after January 1, 1946, the salaries of the herein above enumerated officers shall be as hereinafter set out.

"(f) The Sheriff, District Attorney, District Clerk, County Clerk and the

Assessor and Collector of Taxes of such counties shall each receive a salary of Seventy-four Hundred Dollars (\$7400.00) per annum. The County Treasurer of such counties shall receive per annum a salary of Thirty-nine Hundred Dollars (\$3900.00). The Judges of the County Courts at Law and the County Criminal Courts of such counties shall each receive a salary of Six Thousand Dollars (\$6000.00) per annum. The County Judge of such counties shall each receive a salary of Seventy-four Hundred Dollars (\$7400.00) per annum in lieu of all other compensation now provided by law. All of such salaries enumerated in this subsection shall be paid out of the General Fund of such counties.

"(g) The County Commissioners of such counties shall each receive a salary of Fifty-five Hundred Dollars (\$5500.00) per annum and such salaries shall be out of the Road and Bridge Funds of such counties.

Section 2. All laws and parts of laws in conflict herewith are hereby expressly repealed to the extent of such conflict only.

Section 3. The fact that officers in counties affected by this Act are now paid salaries not commensurate with their services and duties and the crowded condition of the calendar create an emergency and an imperative public necessity that the Constitutional Rule requiring that all bills be read on three several days in each House be suspended, and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted.

House Bill No. 849 was then passed to third reading.

House Bill 849 on Third Reading

Senator Martin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 849 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

| | |
|---------|-----------|
| Aikin | Chadick |
| Brown | Crawford |
| Bullock | Graves |
| Carney | Hazlewood |

| | |
|---------|----------|
| Jones | Shivers |
| Knight | Stanford |
| Lane | Stone |
| Martin | Sulak |
| Moffett | Taylor |
| Moore | Vick |
| Metcalf | Winfield |
| Morris | Weinert |
| Parrish | York |
| Ramsey | |

Absent—Excused

| | |
|--------|---------|
| Kelley | Mauritz |
|--------|---------|

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

| | |
|-----------|----------|
| Aikin | Moore |
| Brown | Morris |
| Bullock | Parrish |
| Carney | Ramsey |
| Chadick | Shivers |
| Crawford | Spears |
| Graves | Stanford |
| Hazlewood | Stone |
| Jones | Sulak |
| Knight | Taylor |
| Lane | Vick |
| Lanning | Weinert |
| Martin | Winfield |
| Metcalf | York |
| Moffett | |

Absent—Excused

| | |
|--------|---------|
| Kelley | Mauritz |
|--------|---------|

Report of Standing Committee

By unanimous consent the following report was submitted at this time:

Austin, Texas,
May 21, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office to whom was referred H. C. R. 41, have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HAZELWOOD, Chairman.

House Concurrent Resolution 41

On motion of Senator Sulak, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 41, Relative to the sale of certain State owned lands near Prairie View Normal and Industrial College.

Question—Shall the resolution be adopted?

On motion of Senator Metcalfe, further consideration of the resolution was postponed until 11:00 o'clock a. m. tomorrow.

House Bill 167 on Second Reading

On motion of Senator Vick, and by unanimous consent, the regular order of business was suspended to take up on its second reading and passage to third reading:

H. B. No. 167, A bill to be entitled "An Act to amend Section 2, Chapter 108, Acts of the 48th Legislature, so as to provide for the payment of increased pensions to Confederate Veterans and their widows; and declaring an emergency."

The President laid the bill before the Senate on its second reading.

The bill was read second time.

Senator Knight offered the following amendment to the bill:

Amend House Bill 167 by adding at the end of Section 1 a new paragraph to read as follows:

Art. 6205. Out of the Pension Fund created and maintained under the provisions of Article 6204 as amended, there shall be paid on the first day of each calendar month a pension in the amounts provided for in Article 6221 to every Confederate soldier or sailor whose application has heretofore been approved, and also those who came to Texas prior to January 1, 1926, and whose application shall hereafter be approved, and to their widows whose applications have heretofore been approved and also those who have been bona fide residents of this State since January 1, 1928, and whose applications shall hereafter be approved and who were married to such soldiers or sailors prior to January 1, 1921, and who lived with such soldier or sailor continuously for at least nine (9) years immediately prior to the death of such sailor or soldier and to soldiers who, under the Special Laws of the State of Texas during the War between the States, served in organizations for the protection of the frontier against Indian raiders or Mexican marauders, and to soldiers of the militia of the State

of Texas who were in active service during the War between the States, and to soldiers of the militia of any other Confederate State who were in active service during the War and who came to Texas at least ten (10) years prior to the approval hereafter of his application for a pension, and to soldiers appointed to official or other service in the State of Texas, and all soldiers and sailors and widows of all soldiers and sailors eligible to be placed upon the pension rolls and participate in the distribution of the Pension Fund of this State under any existing law or laws hereafter enacted; provided that no widow born since January 1st, 1875, shall be entitled to a widow's pension; provided, that the widow of a Confederate Veteran born after January 1st, 1875, but prior to January 1st, 1880, who married him prior to January 1st, 1898, and lived continuously with her husband, who was a Confederate soldier or sailor, for a period of ten years prior to and up to the time of his death shall be entitled to a pension under the terms of this Act; a widow entitled to a pension under this Act, but who remarries a man other than a Confederate soldier or sailor shall not be entitled to a pension, but shall not be barred from receiving a pension in the event she should be left a widow after such remarriage, so long as she remains a widow. Soldiers or widows who are over eighty-eight (88) years of age, who have been bona fide citizens of Texas since prior to January 1, 1930, shall be entitled to pensions under this Act, if otherwise pensionable.

Section 1a. All laws and parts of laws in conflict herewith particularly Article 6205, Revised Civil Statutes, as amended Acts, 1943, 48th Legislature, p. 617, ch. 357, paragraph 1 be and the same are hereby expressly repealed.

Senator Vick moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—19

| | |
|----------|----------|
| Aikin | Lane |
| Bullock | Lanning |
| Carney | Martin |
| Crawford | Metcalfe |
| Graves | Moore |
| Jones | Parrish |

Shivers
Spears
Stone
Taylor

Vick
Winfield
York

Nays—5

Chadick
Knight
Moffett

Morris
Sulak

Absent

Brown
Hazlewood
Ramsey

Stanford
Weinert

Absent—Excused

Kelley

Mauritz

House Bill No. 167 was then passed to third reading.

House Bill No. 167 on Third Reading

Senator Vick moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 167 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin
Brown
Bullock
Carney
Chadick
Crawford
Graves
Hazlewood
Jones
Knight
Lane
Lanning
Martin
Metcalf
Moffett

Moore
Morris
Parrish
Ramsey
Shivers
Spears
Stanford
Stone
Sulak
Taylor
Vick
Weinert
Winfield
York

Absent—Excused

Kelley

Mauritz

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin
Brown
Bullock
Carney

Chadick
Crawford
Graves
Hazlewood

Jones
Knight
Lane
Lanning
Martin
Metcalf
Moffett
Moore
Morris
Parrish
Ramsey

Shivers
Spears
Stanford
Stone
Sulak
Taylor
Vick
Weinert
Winfield
York

Absent—Excused

Kelley

Mauritz

Joint Session

(To hear Address by Hon. M. E. Walter)

At 11:30 o'clock a. m., the President announced the arrival of the hour for a joint session to hear an address by Mr. M. E. Walter, and requested the membership of the Senate to proceed in a body to the Hall of the House of Representatives.

The Senate was announced at the bar of the House and was duly admitted.

The President of the Senate, by invitation of the Speaker, (Hon. Homer Leonard in the Speaker's chair) occupied a seat on the Speaker's rostrum.

President John Lee Smith called the Senate to order and announced a quorum of the Senate present.

Representative Homer Leonard occupied the Chair and called the House to order and announced a quorum of the House present.

Honorable M. E. Walter, Managing Editor of the Houston Chronicle, accompanied by Governor Coke R. Stevenson, was escorted to the Speakers rostrum by Senators Moore, Shivers and Ramsey on the part of the Senate, and by Representatives Moore, of Harris, Heflin, Winfree, Harris, Montgomery, Isaacks, Sadler, and Blankenship, on the part of the House.

Representative Homer Leonard presented Representative Moore of Harris County, who introduced Mr. Walter to the joint session.

Mr. Walter then addressed the joint session.

Pending the address Senator Moore, at the request of the President, took the President's Chair.

Senate Retires

At the conclusion of the address an officially signed and enrolled copy of the resolution inviting him to address the joint session was presented to Mr. Walter.

Senator Moore announced that the purpose of the joint session had been accomplished and, at 12:04 o'clock p. m., he requested the Senate to retire to its Chamber.

In the Senate

The President called the Senate to order at 12:15 o'clock p. m.

Message from the House

Hall of the House of Representative
Austin, Texas,
May 18, 1945.

Hon. John Lee Smith, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

The House has concurred in Senate amendments to House Bill No. 141 by a vote of 115 yeas.

S. B. No. 309, An Act to amend Article 6899, Title 121, Chapter 1, Revised Civil Statutes of the State of Texas, Acts 1943, 49th Legislature, page 471, Chapter 315, Section 1, by adding a new section thereto entitled "Section 1a"; providing for the ownership of more than one brand and/or mark by a single owner, and for the recording of more than one brand and/or mark by a single owner; repealing all laws and parts of laws in conflict herewith; providing for a saving clause and declaring an emergency.

H. B. No. 728, Providing for the purchase of property known as the French Embassy.

The House has adopted the Conference Committee Report on House Bill No. 206 by a vote of 125 yeas.

S. B. No. 120, A bill to be entitled "An Act appropriating the sum of One Million Two Hundred Twelve Thousand and One Hundred Eighty-One and No/100 (\$1,212,181.00) Dollars per year or so much thereof as may be necessary, for the next biennium beginning September 1, 1945, and ending August 31, 1945, (from

the General Revenue Fund for the purpose of promoting public school interests) and assisting local districts in the teaching of vocational agriculture, home economics, trades and industries, distributive education and vocational rehabilitation of disabled persons according to the Federal laws governing vocational education, all of which shall be matched by Federal funds, providing for the administration, attaching conditions, regulations, and limitations relative thereto; making various allocations of said appropriation; authorizing aid to schools in accordance with the conditions specified herein; providing all costs of administering funds named in this Act shall be paid out of moneys appropriated in this Act under the authority of the State Board for Vocational Education; providing for acceptance and disbursement of all Federal moneys as may be made available to the State Board for Vocational Education in accordance with plan acceptable to the Federal agency in charge of such funds; defining the powers of the State Board for Vocational Education; repealing all laws or parts of laws in conflict herewith; and declaring an emergency." With amendments.

S. B. No. 319 Providing for the transfer of the now existing accumulated balance from the "Children's Assistance Fund" to the "Child Welfare Service Fund" and appropriating same to the State Department of Public Welfare; transferring the balance on hand not otherwise allocated or appropriated from the "Children's Assistance Fund" to the "General Revenue Fund."

H. C. R. No. 80 Creating a New Texas Centennial Control Commission.

H. C. R. No. 103 Instructing the Enrolling Clerk to make certain corrections in House Bill No. 755.

H. B. No. 301, A bill to be entitled "An Act providing for the construction of two State office buildings and a garage; providing for the wrecking and removal of Walton Office Building, providing for a Legislative and Business Council to assist and advise the State Board of Control; providing for the location of said buildings; providing that one building be constructed as to house certain businesses; providing for the construction of an underpass and

tunnel connecting said buildings with the Capitol; providing that certain buildings may be located adjacent to said underpass and tunnel; providing for the rental to tenants of garage and space for business by the Board of Control under certain conditions; making an appropriation for the biennium ending August 31, 1947, of \$2,250,000.00 out of the General Revenue Fund to cover the cost of constructing and equipping said bulidings, and expenses incidental thereto; directing the State Board of Control to employ certain personnel to prepare plans and specifications; making an appropriation for a maintenance crew of said buildings upon their completion; and declaring an emergency."

H. B. No. 438, A bill to be entitled "An Act regulating sale, gift, order, barter, exchange, distribution and possession of barbital, barbituric acid, and its compounds and/or deriviatives, and providing penalties for its violation."

The House refused to concur in Senate amendments to House Bill No. 98 and has requested the appointment of a conference committee to consider the differences between the two Houses:

HOYO
SUITER
SENTERFITT
FERTSCH
STOREY

H. B. No. 874 Making an appropriation of the sum of One Hundred Thousand Dollars (\$100,000), or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to pay the contingent expenses, and to pay the mileage and per diem of members and the per diem of officers and employees of the Regular Session of the Forty-ninth Legislature, and to pay any unpaid accounts or expenses of the Forty-eighth Legislature.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives

House Bill 453 on Second Reading

On motion of Senator Winfield, and by unanimous consent, the regular order of business was suspended to take up on its second reading and passage to engrossment:

S. B. No. 177, A bill to be entitled

"An Act declaring the policy of the State of Texas toward the perpetuation of the Texas Bighorn Mountain Sheep, declaring the purpose of the Legislature to authorize the purchase of not to exceed 12 sections of privately owned, and not to exceed 8 sections of Public School lands in Culberson and Hudspeth counties; authorizing the acceptance by the Game, Fish and Oyster Commission of gifts of moneys or of lands in said counties for the purpose of a game management unit for the special benefits of said species; authorizing said Commission to purchase, and the School Land Board to sell, at not more than \$1.00 per acre, certain described lands in Culberson and Hudspeth counties."

The President laid the bill before the Senate on its second reading.

The bill was read second time.

At the request of Senator Winfield, Senate Bill No. 177 was withdrawn and House Bill No. 453, containing the same substance, was laid before the Senate for consideration in lieu thereof.

House Bill No. 453 was then read second time and was passed to third reading.

House Bill 453 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 453 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

| | |
|-----------|----------|
| Aikin | Moore |
| Brown | Morris |
| Bullock | Parrish |
| Carney | Ramsey |
| Chadick | Shivers |
| Crawford | Spears |
| Graves | Stanford |
| Hazlewood | Stone |
| Jones | Sulak |
| Knight | Taylor |
| Lane | Vick |
| Lanning | Weinert |
| Martin | Winfield |
| Metcalf | York |
| Moffett | |

Absent—Excused

| | |
|--------|---------|
| Kelley | Mauritz |
|--------|---------|

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

| | |
|-----------|----------|
| Aikin | Moore |
| Brown | Morris |
| Bullock | Parrish |
| Carney | Ramsey |
| Chadick | Shivers |
| Crawford | Spears |
| Graves | Stanford |
| Hazlewood | Stone |
| Jones | Sulak |
| Knight | Taylor |
| Lane | Vick |
| Lanning | Weinert |
| Martin | Winfield |
| Metcalfe | York |
| Moffett | |

Absent—Excused

Kelley

Mauritz

Report of Conference Committee on House Bill 206

Senator Lanning submitted the following report of the Conference Committee on H. B. No. 206:

Hon. John Lee Smith, President of the Senate.

Hon. Claud H. Gilmer, Speaker of the House of Representatives.

Sirs: We, the members of your conference committee appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 206, have met and had same under consideration and recommend that House Bill No. 206 be passed in the form attached hereto.

LANNING

AIKIN

WEINERT

RAMSEY

On the part of the Senate.

MORGAN

CALLAWAY

SADLER

MANFORD

On the part of the House.

[The bill attached to the foregoing report is printed as a supplement to today's Journal.]

On motion of Senator Lanning, the report was adopted.

Record of Vote

Senator Stanford asked to be rec-

orded as voting "nay" on the adoption of the report.

Senate Bill 67 With House Amendments

Senator Aikin called S. B. No. 67 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Aikin moved that the Senate concur in the House amendments. The motion prevailed.

House Bill 640 on Second Reading

On motion of Senator Lane, and by unanimous consent, the regular order of business was suspended to take up on its second reading and passage to third reading.

H. B. No. 640, A bill to be entitled "An Act amending Article 1109b, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

The President laid the bill before the Senate on its second reading.

The bill was read second time and was passed to third reading.

House Bill 640 on Third Reading

Senator Lane moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 640 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

| | |
|-----------|----------|
| Aikin | Moore |
| Brown | Morris |
| Bullock | Parrish |
| Carney | Ramsey |
| Chadick | Shivers |
| Crawford | Spears |
| Graves | Stanford |
| Hazlewood | Stone |
| Jones | Sulak |
| Knight | Taylor |
| Lane | Vick |
| Lanning | Weinert |
| Martin | Winfield |
| Metcalfe | York |
| Moffett | |

Absent—Excused

Kelley

Mauritz

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

| | |
|-----------|----------|
| Aikin | Moore |
| Brown | Morris |
| Bullock | Parrish |
| Carney | Ramsey |
| Chadick | Shivers |
| Crawford | Spears |
| Graves | Stanford |
| Hazlewood | Stone |
| Jones | Sulak |
| Knight | Taylor |
| Lane | Vick |
| Lanning | Weinert |
| Martin | Winfield |
| Metcalfe | York |
| Moffett | |

Absent—Excused

Kelley Mauritz

House Bill 56 on Second Reading

On motion of Senator Morris, and by unanimous consent, the regular order of business was suspended to take up on its second reading and passage to third reading:

H. B. No. 56, A bill to be entitled 'An Act amending Chapter 13, Acts of the Third Called Session of the 42nd Legislature, as amended; declaring the policy of the State with reference to building, maintaining, and financing State designated roads; declaring the policy of the State with reference to the construction of roads which are ancillary to but are not State designated highways; defining certain terms used throughout the Act; continuing the Board of County and District Road Indebtedness and prescribing the powers, duties and obligations of said Board; allocating revenue obtained from the occupation tax on the business of selling gasoline; continuing the County and Road District Highway Fund and the Lateral Road Account; etc., and declaring an emergency.'

The President laid the bill before the Senate on its second reading.

The bill was read second time.

Senator Morris offered the following amendment to the bill:

Amend House Bill No. 56 by striking out all above and below the enacting

clause and substituting in lieu thereof the following:

(a)

An Act amending subsections (j) and (n) of Section 7 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended by Section 6, of S. B. No. 89, Chapter 324, Acts of the Regular Session of the Forty-eighth Legislature; making an appropriation for the biennium beginning September 1, 1945, and ending August 31, 1947, of moneys coming into the County and Road District Highway Fund; establishing a sequence for appropriations from said fund for each year thereafter; providing for the reimbursement of certain counties, road districts or defined road districts for certain payments made by them on eligible bonds, warrants or other evidence of eligible indebtedness, requiring the Board of County and District Road Indebtedness to keep minutes of its proceedings and to submit semi-annual reports on or before June 30th and December 31st of each year to each county with respect to the funds credited to such county; permitting certain representatives of any county to inspect the records of said Board and of the State Treasurer; and declaring an emergency."

(b)

Section 1. That subsection (j) of Section 7 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended by Section 6 of S. B. No. 89, Chapter 324, Acts of the Regular Session of the Forty-eighth Legislature, be and the same is hereby amended so as to hereafter read as follows:

(j) All moneys to be deposited to the credit of the County and Road District Highway Fund, from September 1, 1945, to August 31, 1947, both inclusive, are hereby appropriated to said respective counties and defined road districts and shall be received, held and applied by the State Treasurer, as ex-officio Treasurer of said respective counties and defined road districts, for the purposes and uses more specifically set forth in this Act, including the payment of principal, interest and sinking fund requirements on all eligible obligations maturing up to and including August 31, 1947. And each year thereafter until all of such eligible obliga-

tions are fully paid, all moneys coming into the credit of the County and Road District Highway Fund with the State Treasurer, and all moneys remaining therein from any previous year shall be received and held by him as ex-officio Treasurer of such counties and defined road districts, and shall first be subject to the appropriation for the payment of interest, principal and sinking funds maturing from time to time on said eligible obligations, and then for the other uses specified and permitted in this Act.

"In the event any county, road district, or defined road district has since September 1, 1941, made any payment on eligible bonds, warrants, or other evidence of eligible indebtedness as defined under the terms of this Act, then such county, road district, or defined road district shall be reimbursed by the Board of County and District Road Indebtedness in the amount of the payment so made on such eligible obligations."

Section 2. That subsection (n) of Section 7 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended by Section 6 of S. B. No. 89, Chapter 324, Acts of the Regular Session of the the Forty-eighth Legislature, be and the same is hereby amended so as to hereafter read as follows:

"(n) The Board shall keep adequate minutes of its proceedings and semi-annually, on or before June 30th and December 31st of each year, shall make itemized reports to each county with respect to the receipt, disbursement, and investment of the funds credited to such county. The Commissioner's Court of any county, and/or its accredited representatives shall have the right to inspect the records of said Board and of the State Treasurer, at any reasonable time, for the purpose of making any investigation or audit of the accounts affecting its county."

Section 3. The fact that it is necessary to make the above biennial appropriation to keep the Road Bond Assumption Act in full force and effect and the further fact that it is highly desirable for the effective functioning of said Act to make said appropriation at the earliest practicable date create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in both

Houses be suspended, and such Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage and it is so enacted.

The amendment was adopted.

Senator Parrish offered the following amendment to the bill:

Amend House Bill No. 56 by adding thereto a new paragraph at the end of Section 1, to read as follows:

"In addition to and regardless of the other provisions of this Act, all bonds, warrants and other legal evidence of indebtedness issued by any county or road district between January 2, 1939 and January 2, 1945 shall be eligible to participate in the distribution of the moneys coming into said County and Road District Highway Fund the same as provided for other eligible bonds under this Act, insofar as the proceeds thereof were actually expended prior to January 2, 1945 in the construction of roads which had been designated on or before January 2, 1945 by the State Highway Commission as a part of the System of designated State Highways. Such bonds, warrants and other legal evidences of indebtedness shall be entitled to participate in said Fund as of the date of designation of such road as a State Highway. The provisions of this paragraph as applied to such bonds, warrants and evidences of indebtedness shall prevail over any other provisions of this Act to the contrary."

Senator Morris moved to table the amendment.

The motion to table was lost by the following vote:

Yeas—9

| | |
|---------|---------|
| Aikin | Moore |
| Carney | Morris |
| Lane | Shivers |
| Lanning | Taylor |
| Metcalf | |

Nays—16

| | |
|-----------|----------|
| Bullock | Parrish |
| Chadick | Spears |
| Crawford | Stanford |
| Graves | Stone |
| Hazlewood | Sulak |
| Jones | Vick |
| Knight | Winfield |
| Martin | York |

Absent

| | |
|---------|---------|
| Brown | Ramsey |
| Moffett | Weinert |

Absent—Excused

Kelley

Mauritz

Question—Shall the amendment be adopted?

On motion of Senator Moore, further consideration of the bill was postponed until 11:30 o'clock a. m., tomorrow.

Senate Bill 120 With House Amendments

Senator Hazlewood called S. B. No. 120 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Hazlewood moved that the Senate do not concur in the House amendments and that a conference committee be requested to adjust the

differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate: Senators Lanning, Aikin, Hazlewood, Weinert, and Bullock.

Adjournment

Senator Stone moved that the Senate adjourn until 10:30 o'clock a. m., tomorrow.

Senator Bullock moved that the Senate recess to 3:00 o'clock p. m., today.

Question first recurring on the motion of Senator Stone, it prevailed.

The Senate, accordingly, at 12:45 o'clock p. m., adjourned until 10:30 o'clock a. m., tomorrow.

In Memory of

Willard Clifton Chadick

Senate Resolution 78

Senator Aikin offered the following resolution:

Whereas, Willard Clifton Chadick, brother of our distinguished fellow member, Senator T. C. Chadick, was called to his eternal reward on August 31, 1944; and

Whereas, Willard Clifton Chadick was born at Daingerfield, Morris County, Texas, January 3, 1894, had lived his entire life in East Texas; and

Whereas, He was a most useful citizen having served two terms as County Commissioner of Wood County, and two terms as District Clerk of the Seventh Judicial District of Texas, and was Deputy Supervisor for the Railroad Commission at Beaumont, Texas, for eight years; and

Whereas, The Senate of Texas is desirous of expressing our deepest sympathy to the members of his family; now therefore be it

Resolved, by the Senate that we express our deepest sympathy to our fellow-member, Senator T. C. Chadick, and to the other members of the family; and be it further

Resolved, That the Secretary of the Senate be instructed to send copies of this resolution to each member of his family, and when the Senate adjourns today it do so out of respect to the memory of Willard Clifton Chadick.

AIKIN
STANFORD
GRAVES

The resolution was read and was adopted unanimously.